

26. One Assistant Sergeant-at-Arms at \$5.00 per day.

27. One storekeeper to Sergeant-at-Arms at \$4.00 per day.

28. One page to Sergeant-at-Arms at \$3.00 per day.

29. One night watchman at \$4.00 per day.

30. One elevator man at \$4.00 per day.

31. Two messengers to carry papers to Confederate Home and to Woman's Confederate Home at \$2.00 per day each.

32. Twelve porters at \$3.00 per day each.

33. One Chief Operator for voting machine at \$7.50 per day.

34. One Assistant Operator for voting machine at \$5.00 per day.

Be it further resolved, That it shall be the duty of the Speaker and he is hereby empowered to dispense with the services of any employe who, in his judgment, is not further needed; or for the misconduct of any employe, and he shall have the power to appoint extra help whenever, in his judgment, it is needed. The duties of the employes heretofore mentioned shall be such as are required by the Speaker of the House of Representatives.

Any of the employes may be excused by the Speaker for causes deemed by him sufficient; provided further that any employe who shall absent himself without leave shall not receive any compensation for the time missed during his absence. The salaries of the employes shall begin when they are instructed to begin work by the Speaker.

Signed—Hardy, Keller, Johnson of Dimmit.

The resolution was read second time and was adopted.

#### GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is now organized and ready for the transaction of business appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

#### RECESS.

On motion of Mr. Patterson, the House, at 12 o'clock m., took recess to 10 o'clock a. m. tomorrow.

#### FIRST DAY.

(Continued.)

(Thursday, January 15, 1931.)

The House met at 10 o'clock a. m. and was called to order by Speaker Minor.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 15, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills and resolutions:

S. B. No. 11, A bill to be entitled "An Act fixing the per diem and mileage of members of the Legislature and making an appropriation of the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, payable out of the general revenue, and not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Forty-second Legislature of the State of Texas, providing for the approval of accounts, and declaring an emergency."

S. B. No. 12, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the Forty-second Legislature of the State of Texas; providing how accounts may be approved, and declaring an emergency."

S. C. R. No. 1, Relating to the joint rules of House and Senate.

S. C. R. No. 3, Relating to counting the votes for Governor and Lieutenant Governor.

S. C. R. No. 4, Relating to joint session of House and Senate.

S. C. R. No. 5, Relating to time for counting votes for executive officers of the State of Texas.

Respectfully,

JNO. B. DuPRIEST,

Assistant Secretary of the Senate.

**INVITING HON. DAN MOODY TO  
ADDRESS A JOINT SESSION  
OF THE HOUSE AND  
SENATE.**

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, Inviting Hon. Dan Moody to address Legislature.

Be it resolved by the Senate, the House concurring, That the Governor be invited to deliver his message to the Legislature personally, at a joint session of the House and the Senate, the time for doing so to be arranged by the Governor, the President of the Senate and the Speaker of the House.

The resolution was read second time and was adopted.

**RELATIVE TO RULES OF THE  
HOUSE.**

Mr. Beck moved that the Rules of the Forty-first Legislature be adopted, for a period of three days, as Rules of the House of Representatives of the Forty-second Legislature, except Rule No. 19, which relates to the introduction of bills.

Mr. Pope offered the following amendment to the motion:

Amend by striking out the limitation of three days.

Mr. Gilbert moved the previous question on the pending amendment and the motion and the main question was ordered.

Question first recurring on the amendment by Mr. Pope, it was adopted.

Question then recurring on the motion as amended by Mr. Beck, it was adopted.

**PROVIDING FOR COUNTING  
VOTES FOR GOVERNOR AND  
LIEUTENANT GOVERNOR.**

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 5, Providing for joint session of the House and Senate to count votes cast for Governor and Lieutenant Governor.

Resolved by the Senate of Texas, the House of Representatives concurring, That there shall be held in the hall of the House of Representatives at 2 o'clock p. m., Thursday, January 15, 1931, a joint session of the Legislature for the purpose of receiving and considering the returns of the election for the executive officers of

the State of Texas, and opening said returns and publishing said returns and the results thereof, in the presence of both houses of the Legislature, and for the further purpose of then and there determining what persons received the highest number of votes for the said respective executive offices of the State of Texas, and for the further purpose of making declaration as to the election of said executive officers of the State of Texas.

The resolution was read second time.

Mr. Satterwhite offered the following amendment to the resolution:

Amend the resolution by changing the time from 2:00 o'clock p. m., Thursday, January 15, to 11 o'clock a. m. next Monday.

The amendment was lost.

Question then recurring on the resolution, it was adopted.

**COMMITTEE TO ESCORT THE  
HON. DAN MOODY TO THE  
BAR OF THE HOUSE.**

The Speaker announced the appointment of the following committee to escort Hon. Dan Moody to the bar of the House for the purpose of delivering an address to the Joint Session:

Messrs. Graves, Howsley, Keller, Wyer and Forbes.

**MESSAGE FROM THE SENATE.**

Senate Chamber,  
Austin, Texas, January 15, 1931.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted House concurrent resolution No. 1.

Respectfully,  
JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

**ADDRESS BY HON. DAN MOODY,  
GOVERNOR.**

In accordance with a resolution heretofore adopted providing for a Joint Session of the House and Senate to hear an address by Hon. Dan Moody, Governor, at 11 o'clock a. m. today, the Honorable Senate escorted by A. W. Holt, Sergeant-at-Arms of the Senate, and Bob Barker, Secretary of the Senate, appeared at the bar of the House and, being duly announced, were escorted to seats already prepared for them along the aisle.

Lieutenant-Governor Barry Miller, being invited, occupied a seat on the Speaker's stand.

Lieutenant-Governor Barry Miller announced that there was a quorum of the Senate present.

Speaker Minor announced that there was a quorum of the House present.

The committee appointed by the Speaker to escort Hon. Dan Moody to the Hall of the House of Representatives appeared at the bar of the House, in company with Governor Moody and, being admitted, were escorted to the Speaker's stand.

Hon. Fred H. Minor presented Lieutenant-Governor Barry Miller, who in turn presented Hon. Dan Moody.

Hon. Dan Moody then addressed the Joint Session as follows:

Executive Office,  
January 14, 1931.

To the Members of the Forty-second Legislature:

You assume the prerogatives of legislators under most interesting conditions and when the welfare of the State demands constructive thought and progressive legislation. Your actions will touch every field of human endeavor and affect every enterprise and business in which people engage. It is within the range of your opportunities to do much for our State and for the improvement of its people. The progress of Texas has not been accomplished by a policy of leaving well enough alone, but it has gone forward through the vision and foresight of constructive minds that could comprehend the possibilities of the State and make plans for its promotion and development. Wise and beneficent legislation has made a great contribution to the present favorable conditions of Texas and your actions will have much to do with the future prosperity of the people of Texas. It is my hope that this Legislature will not reduce its usefulness to the people through partisan divisions that have in the past divided legislative bodies and reduced legislative records to a blank, but that you may forget partisan bitterness and unite in a patriotic and unselfish program for substantial accomplishment. Reforms are needed,—in some notable instances urgently needed, and I hope and believe that you have the progressive thought and the intelligent outlook on the future that is es-

sential to bring about these reforms. I am impressed, and I think other citizens must be impressed, with the high type and character of the men and women that compose the Forty-second Legislature. It is no exaggeration to state that the people of Texas expect accomplishments in proportion to your high qualities.

You, of all Texas Legislatures, are most fortunate, both in the time at which you serve the State and in the opportunities which the people have given you for patriotic service. Past Legislatures have had but a sixty-day regular session in which to consider important public problems and the multiplicity of subjects suggested for legislative action. The constitutional amendment adopted by the people at the recent election gives you just twice that time for your regular session. The per diem has been increased in order that the individual members of the Legislature may not be required to serve at so great financial sacrifice and to the end that their minds will not be distracted from the consideration of legislative subjects by pressing necessities brought about through holding an office which does not pay a sufficient remuneration to meet the personal expenses of performing the official services. I think that this amendment will be productive of better considered and more wisely enacted laws; that it will make possible more serious thought concerning legislative duties, and make your services at least less burdensome, if not more pleasant.

It is customary for a retiring Governor, in what is generally called a farewell message, to repeat the things that he has often said. The Constitution requires that he make a financial report, but this becomes routine in view of the fiscal facts given in the Board of Control's budget. I prefer to look forward rather than backward; however, I do not by making recommendations want to trespass upon the field that belongs to my successor. In closing my experience as Governor, I shall depart to some extent from custom by briefly discussing the responsibility and opportunity of the Democratic party in the present situation. I feel at liberty to do this, because we have been elected to office and given public trusts by the Democrats of this State.

I continue my support of the propositions that:

1. The State educational system, and particularly the educational op-

portunity of rural children, should be improved.

2. Highway construction should be placed on a sound financial basis; counties and road districts should be relieved of the necessity of contributing to State highway construction and the cost of State designated highways should be paid by the traffic.

3. The taxing system should be reformed and homes, farms and ranches relieved of present excessive burden of taxation.

4. Natural resources should be conserved and the industries developing them made to pay their just proportion of taxes.

5. Public waters should be reserved to the people and laws written that will at all times insure man's need for such water taking priority over power uses.

6. The prison system of this State needs a thoroughgoing reformation and reorganization that can only come by legislative authority.

7. The eleemosynary institutions should be better supported and more attention given to curative measures.

8. The State government should be simplified, greater responsibility placed upon the Executive and the short ballot adopted. And public utilities should be brought under State control.

These and new subjects will be discussed at length, but before discussing them I will express myself on the responsibility and opportunity of the Democratic party.

In this State there is need to return to the principle that party platforms are solemn covenants with the people and that party candidates when elected are under obligation to carry out the platform promises. Present conditions again demonstrate the impotency of the Republican party and its increasing inefficiency. Looking ahead, Texas, as I see it, has the duty of crystallizing its thought and political action through the Democratic party, and the prosperity that this country enjoyed before the return of the Republican rule in 1921, can be restored to the nation only by the Democratic party. What is this thought? First of all that the Democrats of Texas and the South are no longer puzzled. The Southern Democracy want certain things.

(1) The elimination of the present Republican administration as incompetent, and as having attempted to salve the producing voters of the South and West with a bit of pater-

nalism, while it took from them infinitely more through increasingly higher tariffs and waste in government. The Republican policies have taken a dollar for every dime of such paternalistic money received by the South and West. Republican leaders now confess that the government will run short of its income by a million dollars a day through 1931. This does not look like general prosperity. The Democratic party could and would stop such incompetency through plain horse sense and a return to the simple principle of plain living which carries with it the idea of the government spending no more than its income.

(2) Texas Democrats know that only a single-minded and united Democracy can bring about the retirement of Republican rule, and they want a united party. Such a Democracy has no room for the wet, cynical and entirely commercial chairman of the National Democratic committee, a recent convert to the Democratic faith. His blatancy, his attempt to assume national leadership by use of money, and his belief that he can through its use buy the leadership of the Democratic party, have so disgusted the rank and file of the party in the South that there can be no hope of discharging the responsibilities of the party if he is allowed to remain in leadership of any portion of the party. His contributions to one organization to help elect wet Republican congressmen, and to another organization to help elect Democratic congressmen, subject his party fidelity to serious doubt.

(3) Greedy monopoly which would wax fat on the American people through unjust privilege belongs and must be put under the political tent of the Republican party. It is as definitely an enemy of the rights of the people as were the organizers of trusts and railroad grafts of years gone by. The Democratic party is the only party that the people can look to for equality of opportunity, for governmental economy and for a restoration of the prosperity of the average citizen. This nation has not prospered through American cotton farmers selling eight-cent cotton or wheat farmers selling sixty-cent wheat, while more favored industries through privilege enjoyed abundant prosperity. Republican policies would ultimately reduce agriculture, proud as it is, to a state of peasantry. Under the Republican rule greed reaches

out for everything in sight. As an illustration large corporate interests are now grasping for ownership of water power from the State of Maine to even the power rights of our own State. In instances Republican rule has made of wealth reserved to the people of the nation loot for plunderers. The Democratic party wants these things changed.

(4) If national prohibition has not been effectively enforced, the Republican party is responsible for having sat in the seat of the government and inefficiently performed this governmental duty. If those who protest national prohibition wish to change to the saloon, let them do it through the Republican party, for the Democratic party will not repudiate this economic and moral reform. I firmly believe that under an honest, sincere Democratic leadership prohibition can and would be a national success.

(5) The Democratic party can attain success and discharge its public responsibility by standing united and supporting moral reforms, governmental efficiency and working for improvement in the economic conditions of the average citizen. There is no place for fanatics of the extreme right or of the extreme left. There are moderate and wise leaders of the party who can and should be placed in a position that will unite it and make it a fighting force for good and a return of this nation to prosperity. When cotton is selling for eight cents and wheat is selling at sixty cents, and three million and more people are out of employment, it is no time for a pretended leader to attempt to take our party away from the good things for which it has fought through the years—the battle of the common man—and make it an agency for slaking thirsty throats. The relief of the present situation may be helped by State legislative action, but in the main we must look to the action of the national government, and I think it the high responsibility of the Democrats of Texas to unite and bend their effort toward retiring Republican rule and re-establishing Democracy in the national government at Washington.

I turn to a discussion of the State problems.

#### Financial Reports.

From information furnished by the State Comptroller, the following figures are given with reference to the

financial condition of the State. These figures are as of January 1, 1931. The amount of unused appropriations made for the present fiscal year is the sum of \$15,070,028.47, and deficiency appropriations have been authorized since the last session of the Legislature in the sum of \$162,600. There was outstanding on January 1, 1931, for sheriffs' and officers' accounts deficiency warrants in the sum of \$346,205.98; and it is estimated that the additional amount needed to pay fees due sheriffs and other officers in enforcement of the penal laws to the end of the fiscal year will be \$200,000. The amount of appropriations for prior fiscal years against which warrants have not been drawn to January 1, 1931, is \$2,612,227.98. The total of these figures is \$18,391,062.43, representing the maximum amount of money which may be drawn against the income of the general revenue fund during the remainder of the fiscal year under appropriations heretofore made. It is estimated that the receipts of the general revenue fund for the fiscal year ending August 31, 1931, will be \$24,773,135, of which \$4,379,239.12 has heretofore been collected, leaving the estimated net income for the year ending August 31, 1931, at \$20,393,895.88. When the amount of the appropriations that will lapse is taken into account, it is evident that the revenue will be sufficient to pay that part of the appropriations for which warrants will be drawn. The balance in the general revenue fund on December 31, 1930, was \$23,577.58; and the amount of warrants outstanding against this balance in the general revenue was \$3,562,707.24.

The budget prepared by the Board of Control for the ensuing biennium recommends appropriation of \$46,066,072.90 for governmental functions.

Attached hereto is a statement from the Comptroller's Department showing the amount of money appropriated for expenditure by the Governor's Office for the years 1926 to 1931, and the amount expended from these appropriations between January 18, 1927, and January 1, 1931. The only public funds expended by me during my term as Governor, beginning January 18, 1927, have been expended from funds made available by legislative appropriations to be used under authority of the Governor. The vouchers for the various items are, as is required by law, on file in the office of the Comptroller and these

are by reference made a part hereof. All vouchers for items expended since the date shown in the Comptroller's statement attached are likewise on file in his office and made a part hereof. This office has received no money belonging to the State. Drafts and checks for moneys due the State of Texas, which were made payable to the Governor, have been endorsed to the proper officer of the government and forthwith placed in the proper hands for deposit in the State Treasury. The only money in cash handled in this office since I have been Governor was one bill of five dollars found in a file of old papers in the safe in the Governor's Office. The fund to which this belonged could not be determined and it was deposited in the State Treasury to the credit of the suspense account.

#### Appropriations.

The right to comment regarding the money that should be appropriated by this Legislature belongs to my successor, and not me. However, I deem it proper and my duty to say, as I have said in messages to other Legislatures, that while the State should not be penurious, the exaction of a greater tribute by way of taxes levied and collected than is necessary for the efficient and economical administration of the government is a practice deserving severest condemnation. Every effort should be bent toward the utmost degree of economy consistent with the efficient functioning of the government. While necessary activities of the government should not be injured for the want of funds, excessive appropriations and the making of unnecessary amounts available to the departments and institutions impose excessive and unjust taxes upon the people. A public officer's highest duty is to protect the interests of the people he serves, and that duty cannot be discharged by excessive expenditures of public money. Care should be taken to avoid impairing efficiency of any department or institution by insufficient appropriations, but an equal care should be used to see that no department or institution receives more money by appropriation than is needed under most careful and economic management.

#### Budget Control.

The system of appropriation used in this State, and the absence of any

continuing control over the budget, have cost the people millions in unnecessary expenditures. The Governor, in acting upon an appropriation bill, must either approve all of an item or veto all of it; he cannot reduce the amount of an item. When the appropriation bill is filed with the Secretary of State, there is no further central control over the expenditure of the moneys appropriated. If more money has been made available for any purpose than necessity demanded, the practice of economy or extravagance becomes the choice of the department or institution to which the appropriation is made. None will gainsay the statement that in a multitude of instances the Legislature has unintentionally made items of appropriation larger than necessary, and there is no central power to watch the budget of expenditures or prevent the extravagant use of such an excessive appropriation. Candidates for Governor frequently promise an economic administration, and the public no less frequently demands this attitude upon the part of aspirants for public office. Good business and logic demand that the Governor be given power to redeem his promise to eliminate extravagance and he should, therefore, be given a continuing control over the expenditure of public money. Until this is done the Governor is without power to accomplish something that the people want accomplished, and it can be safely counted upon that public funds will, in instances, be extravagantly spent and Texas will be behind other progressive States of the Union in this particular.

#### Education.

In the range of governmental activities nothing is more important to the present or the future than the maintenance of an efficient system of public education. Upon the success of the school system to a large degree depends the spiritual and material welfare of the State and its people, as well as the whole future of the government. In the building of our educational system, apparently more thought has been given to the multiplicity of schools and colleges than to efficiency of the entire system. The State is incurring a considerable item of expense in duplication of effort in her institutions of higher learning. The State Board of Edu-

cation has been given authority to consider this problem, but under present law this power amounts to little more than the right to make suggestions and offer advice. The Board of Education should be given more advisory power in this particular. The elimination of unnecessary duplications and the co-ordination of the activities of the institutions of higher learning would improve the efficiency of these institutions and be an economic saving to the people.

In the field of primary and elementary education a situation exists which is far from ideal for an agricultural state. I refer to the great difference existing between the educational opportunities afforded rural children and those offered the children living in cities and towns. Our laws make possible the finest types of schools in the cities and towns of large taxable wealth, and while theoretically these laws give rural communities the same opportunities for school support, in their practical application the development of the rural school system is retarded. In recent years considerable progress has been made in improving rural school conditions, but there is much room for further improvement of rural educational conditions.

No opportunity exists for greater usefulness to our State and its future than in the betterment of the schools of the State in which the rural children secure their training. Education is not a district problem, nor is it so treated by our State, because for nearly a hundred years it has been recognized as a State problem through the maintenance of a State permanent school fund. However, the reading of some of our laws would lead one to think that it was the State policy to regard education as a district problem.

There should be more equal division of available funds and taxable values between city and rural schools. The Legislature should give favorable consideration to the policy of establishing the county as a unit of school support. While it would involve the taxable wealth of the cities and towns helping support the rural schools, this wealth is based upon materials produced in rural sections. A long practical step in the direction of the county unit which can and ought to be taken at once is to pro-

vide a county equalization fund in the hands of the county board of trustees to be used for equalization of the educational opportunities of all school children in the county, regardless of the financial condition of the school districts in which they reside.

The administration of the county school system should not depend on the exigencies of politics, but the head of the county school system should be appointed by the county board of education and selected on professional qualifications just as city superintendents are named by city school trustees and city boards of education.

#### Highways.

Much has been done in the last four years toward taking Texas out of the mud and placing it on a finished highway, but there are thousands of miles of State highway yet to be built. The financing of State highway construction was a problem when the department was established and it remains a problem. In the early stages of State highway construction, it was necessary to adopt the policy of calling upon local communities to assist in meeting the cost of highway construction, but the continuation of this policy has appeared unwise for some years. It has resulted in the issuance of many millions of dollars of road bonds and the placing of an excessive tax upon the homes, farms and ranches to pay interest and redeem bonds. It has made the building of State highways depend upon local initiative and has precluded the possibility of formulating and carrying out a State-wide program of highway construction. It is in a large measure responsible for the fact that the good highways of the State are broken here and there by stretches of bad road through counties and districts that have refused to contribute to the cost of road improvement. A change was made in the laws some years ago to make possible the completion of a connected system of highways by improving the bad stretches at the expense of the State highway fund, but the amount of the State highway fund has limited the practical benefits derived from this amendment. The most serious consequence of the policy is the fact that land and homes are taxed beyond their ability to pay, while traffic which uses the highways and receives the first benefit from the construction moves at a comparatively

low cost, the relative benefits to agricultural lands and traffic being considered. It is no exaggeration to state that in some counties and districts the road bond tax is positively oppressive on owners of farm lands and small homes.

The State should without delay make provision to assume payment of all outstanding bonds, proceeds of which have been used to pay the cost of State highway construction. The justice of such a policy can be thoroughly defended because State highways are intended for through traffic, including interstate traffic, and are not purely local convenience. If the benefited properties pay the cost of building and maintaining lateral and local roads, these properties will contribute their part to highway construction. It is to be remembered that while the designated highway mileage totals about 20,000 miles there is more than ten times this mileage of local and lateral roads. The burden of improving State highways should be taken off the backs of farmers and small home owners, and the traffic which receives the first and greatest benefit from highway improvements should be taxed to meet the cost of constructing the system of State and Federal designated highways.

When the total of all funds available for State highway building is reduced by the amount of the county and road district contributions other revenue will be necessary, if the present enlarged program of highway construction is to continue. There are but two ways such revenue can be raised to maintain the present income of the highway fund after county and district aid is discontinued; first, by higher rates of current taxation, or second, by issuing State bonds and pledging revenues of the highway fund to redeem the bonds. The normal increase in highway revenues from present rates of taxation will not for the present amount to as much annually as is contributed by counties and road districts.

The best public policy is for the State to assume the payment of county and road district bond issues used to help pay the cost of State highways, and relieve the counties and road districts of further contributions to the cost of State highway construction, and continue the present program of highway building with funds derived from the issuance of

State bonds to be paid by pledging part of the revenues received by the highway fund from current taxation. This would be a combination of the bond plan and the pay-as-you-go plan of constructing State and Federal designated highways. The objective should be to give the Highway Department a stabilized income in order that it may plan a program of construction over a period of years instead of having to limit its work to a month to month program.

#### Taxation.

The need of tax reform has been stressed in this State for many years, but notwithstanding the many and varied campaigns for this reform, the State clings to a system of taxation the basis of which was worked out under conditions far different from those of the present. From time to time additions have been made to the original system until it somewhat resembles a patchwork. It has been like sewing "a piece of new cloth unto an old garment." All figures available tend to show that our system of State ad valorem taxes results in gross inequalities and in placing a heavier burden on certain classes of property than is fair when the income from this property and the taxes paid by it are compared with the income received and taxes paid by other properties. This tax is not only unequal in its application, but it is expensive to collect and the system set up for its collection will not work efficiently and economically.

The income is the fairest basis of measuring a citizen's ability to support the government that makes it possible for him to engage in business. The inequalities of the State ad valorem tax could be eliminated by adopting an income tax as a substitute therefor and the income tax could be collected with less expense and less inefficiency than State ad valorem taxes.

Texas has been blessed with tremendous and valuable stores of natural resources. Most of these resources are being developed and many of them are in that state of development which prophesies exhaustion at no very remote date. Some of these resources are being taken out of Texas without those who profit by their removal paying any considerable portion of the burden of supporting the government or of educating the children. We have the object lesson of other states that permitted their

natural resources to be exploited and their wealth taken away without the states' receiving the benefits to which they were entitled. Texas should profit by the example and experience of such states. A present failure to make these resources pay their just part of the cost of supporting the government will not be regarded by posterity as a credit to the business foresight and ability of those who had the power, but failed to properly exercise that power for the benefit of the State.

The rapid development of the State and the phenomenal increase in its population give promise that the total of the government's bill to the citizen will be a constantly increasing one. This increase in the cost of government should be paid by taxes imposed upon those activities now developing and exhausting these natural resources. The laws should not penalize these industries but should require them to pay their fair proportion of the expense of running the government and supporting the schools.

#### Natural Resources.

In this connection it is proper to direct your attention to the fact that at present Texas oil is being produced in large quantities and sold on a distressed market in competition with crude oil produced at a low cost in foreign countries. Economically, our State is in the same attitude toward crude oil as it is toward cotton. It is an exporter of both commodities. A low price for cotton results in business injury to thousands of our citizens, and Texas has grown so great as an oil producing state that a low price for crude oil is likewise a business calamity to the University and school funds and to thousands of private citizens who own oil lands and royalties. It reduces the value of the endowment of the University of Texas and the public school system. There is more in the circumstances than a mere suggestion that monopolies and monopolistic tendencies are in a degree responsible for present low prices of crude petroleum. There is more to it than simply the operation of the law of supply and demand, as is made evident by what appears to be a partial monopoly in the facilities for transporting petroleum and what is almost an absolute monopoly in the facilities for refining and marketing products of petroleum. The spread between the price of crude oil and the sale price of gasoline is so

great as to suggest that the consumer of the gasoline is paying an excessive price or that the oil resources of the State are being hammered down and sold on a market that deprives Texas of wealth that rightly belongs to it, or that both are happening. This is a proper subject for legislative consideration and it is nothing short of legislative duty to see that neither the vice of monopoly nor waste result in depriving Texas of the value of its natural resource.

In the beginning the State should have reserved to itself for the benefit of its people the title to its natural resources, but the title to most of these resources has long since been alienated by the State. There is one natural resource, however, which the State can yet reserve to itself and to the benefit of the whole people; namely, the public waters of the State. If the laws permit, as apparently they do, an absolute alienation of waters of this State for power and other uses, these laws should be amended and this valuable right reserved. Apparently under existing laws the prior user of public water for power purposes takes priority over a subsequent application for such water for the use of cities and towns, where the demands for water have been increased by reason of growth in the cities' population. Such a law is a monstrosity and should be rewritten to give priority in the use of public waters to the necessities of man rather than to some first taker for power purposes.

#### Prison Reform.

The reform of the State's penal system has been a problem in this State from time out of mind. Some reform measures affecting the business management of the system have been passed in recent years, but the fundamental causes of failure of the system have never been reached and given proper legislative attention. The accumulated losses of the system amount to a tremendous sum of money while the pile of human wreckage that it has built up over the years is appalling to contemplate. The management prescribed by the act of the Fortieth Legislature is apparently modern and sufficient, but it is like giving a locomotive engineer an ox cart to drive. The often repeated statement that the organization of the Texas prison system's physical properties makes efficient operation from a penological or financial stand-

point impossible has found its proof again and will continue to be proved, until some heroic steps are taken by the Legislature looking to the reorganization of these properties. The policy of appropriating huge sums of money to be spent on the old properties has been tried over and over again and it has not resulted in fundamental changes or in lifting this part of the State's business out of the mire, nor is it possible by this expedient to modernize and bring efficiency into the Texas prison system. Prison reform as applied to the Texas penitentiary should have two objectives; first, the reorganization of the penitentiary to take advantage of the modern developments of penological science; and, second, the organizing of its properties and activities to make it a self-supporting institution of the government. The Texas prison system is unworthy of the name and the proper type of properties is indispensable to any success for prisons. Past experience indicates, and with considerable force, that these objectives cannot be accomplished with the present properties and the present program of the system, and the program is largely controlled by the nature of the properties. Industrial activities in the way of manufacturing articles for State use will have to be introduced into the program before either objective can be attained.

There is an urgent need of a proper place for the confinement of the criminally insane and the Legislature should speedily provide such a place of confinement for all such persons. The law does not make adequate provision for the confinement of persons acquitted of crime on the plea of insanity and these statutes should be amended to correct this defect. The frequent use in recent years of articles of the Penal Code prescribing the procedure and trial of the issue raised by an affidavit alleging insanity after conviction has made evident the need for amending these statutes to provide for a speedier and more scientific manner of determining this issue.

#### Eleemosynary Institutions.

The liberal support of our eleemosynary institutions is always to be encouraged. The ratio of the increase of insane in this State suggests the need for psychopathic hospitals and better attention to other curative measures.

#### Governmental Reorganization.

Improvements and economies are being practiced in every-day business life, where the standard of value is efficiency, but there is too much of a disposition to run governmental business in the ruts which time has worn. We are accustomed to the old forms and usages, and we hesitate to depart from them. There is no reason why the government should not take advantage of new methods that will make for more efficient and more economical administration of public affairs. Reorganization of State governments, with a view to reducing expenses, increasing efficiency and fixing responsibility, has been attempted and accomplished in other States, but in Texas there has been no such progress. Our governmental structure has hardly been changed for fifty years, except that the Legislature has from time to time created additional boards, bureaus and commissions. The Governor of Texas, under the present apportionment of governmental responsibility, is without opportunity to form a policy and is without power to enforce departmental efficiency or execute a policy, if he has one. Such administrative officers as the Comptroller of Public Accounts, the State Treasurer, the Commissioner of the General Land Office, the State Superintendent of Public Instruction, and the Commissioner of Agriculture, are entirely independent of the Governor and administer their respective offices under no executive supervision. I believe that the Governor should be made an officer of greater responsibility; that he should be given the opportunity to fix policies and the power to carry them out; that, to this end, he should have power to appoint and remove the administrative department heads. With such authority, the Governor could and would be held responsible by the people for the administration of the State government. His appointive officers should constitute his cabinet of advisors similar to the President's cabinet. This Legislature should make a thorough effort toward the reorganization of the State departments to eliminate unnecessary departments, commissions and bureaus, to co-ordinate effort and fix additional responsibilities upon the Chief Executive to the end that he may have a policy and some power to execute it. When this is done, bu-

reaus and boards can be abolished or consolidated, with the result that instead of having perhaps a hundred in our State government, the number could be reduced. This Legislature can make a survey, or cause one to be made, of the possibilities of this suggestion, and before passing the appropriation bills see what steps can be taken, under existing constitutional provisions, toward the elimination of some of these departments, commissions and bureaus, and the placing of greater responsibility for administrative efficiency upon the Executive. This is an avenue for effecting economy to the taxpayer and efficiency in public administration. It cannot be successfully contended that every department of the State government, and every board and bureau now existing is essential to the competent administration of the public affairs. Then why not co-ordinate their activities and eliminate such as serve no essential purpose?

I welcome the day, if it ever comes, when Texas will adopt the short ballot, elect a Governor, Lieutenant Governor, and Attorney General, with power in the Governor to appoint the administrative heads and have responsibility fixed upon him for efficient administration. This is in line with the best thought of the time on administration of State government, and is the system employed in those States which at the present are showing the greatest progress in administrative efficiency. It follows the patterns of the United States government and is thoroughly in harmony with the principles of a representative democracy. The Legislature could hardly address itself to a greater project than the modernization of our State government.

In some six or eight of the larger counties, and in quite a number of the smaller counties of the State, there is unnecessary expense and duplication resulting from the maintenance of both county and city government. No reason can be seen why one government could not efficiently and satisfactorily administer all local affairs in a good many of the counties of Texas without forcing upon the taxpayers the burden of maintaining both city and county governments. The present system means a court house and other public buildings for the county and a city hall and other public buildings for the city. A combined city and county government

should not be forced on any county in the State, but it would be a progressive step toward efficient and economic government to give such counties as might wish to do so an opportunity to adopt such reform.

#### Labor.

The interest and welfare of the laboring people of this State should have the consideration and attention of the Legislature. Measures can be enacted to lighten their burdens and make employment safer for thousands of men and women who earn their daily bread by the sweat of their brows. The eight-hour law should be amended and made to apply to all public works. Provision should be made for the State to take out workmen's compensation insurance for the protection of the State employes engaged in dangerous work. Constitutional provisions prohibit the Legislature from compensating injured State employes or those dependent upon them for support, but the State should carry compensation insurance for the protection of employes engaged in dangerous work and their dependent relatives.

#### State Capitol.

If you will make a survey of the fire hazards surrounding this magnificent Capitol, you will undoubtedly come to the conclusion that there is urgent need for the renovation and fireproofing of the building. The destruction of the building would deprive our State of that which is a source of pride to every citizen of Texas, and its loss could not be measured in dollars and cents. Valuable records would be destroyed that could not be replaced, while the expense of renovating and fireproofing the Capitol might reach a large figure, the expenditure of the necessary funds would be a wise use of money.

#### Motor Vehicles.

The increased use of motor vehicles in commercial transportation has developed a difficult and perplexing public problem. Our roads are being taken and badly used by motor vehicles engaged in the transportation of passengers and freight for hire. Some of these vehicles are so large and travel at such high speed that they make highway travel extremely hazardous. When the saving this business brings the public in the cost of its transportation is compared with the damage which heavy freight and pas-

senger traffic are doing the highways, it is doubtful whether the motor truck and motor bus business is being operated economically from the standpoint of the public. Laws should be enacted placing further limitations upon the size and weight of the busses and trucks that may be legally operated upon the public highways of this State. The most modern and improved safety devices, appliances and practices should be required by law. In enacting a law placing further limitations upon the size, weight and speed of trucks and busses, a reasonable time should be allowed to dispose of trucks and busses, the use of which would be prohibited by such limitations. This can be accomplished by fixing the date that such bill would become effective. If busses and trucks are operated over routes parallel to existing lines of railway, and in competition with them, it seems evident that under the policy of the Federal Government, as declared in Transportation Act of 1920, that the people will ultimately be called upon to pay higher rates on commodities which must move by rail, and that the same may exceed the public's saving accomplished by cheaper bus and truck rates. Motor vehicles are here to stay as a means of commercial transportation, and should stay, but thought should be given to placing motor vehicle transportation in the field which will be of the greatest economic value to the whole people. If trucks and busses are to operate in competition with railroads, and at considerable damage to highway development, and if, because of the reduced business of the railroads, the public is made to pay higher railroad rates on commodities moving by rail, it is hardly possible that under such conditions the truck and bus transportation could be economically profitable to the general public. It is altogether possible that the field of economic usefulness of truck and bus transportation is under ownership independent of railroads and operating as feeder to existing lines of railway and to supplement the service rendered by railroads in local freight and passenger movements.

The Railroad Commission should be given authority to check returns and determine accurately the gross and net income of commercial motor vehicles with the view of determining whether such business should pay a gross receipts tax to help build the highways.

#### Public Lands.

The last Legislature withdrew from the market all public school lands. It was the purpose of the Legislature to withdraw these properties temporarily and not permanently. This Legislature should pass proper laws on this subject, taking care to see that the law will insure the school funds receiving the full value of what lands remain as a part of the property of the public school system.

#### Examination of Insurance Companies.

In this State life insurance companies are examined by examiners designated by officers of the Insurance Department and they are compensated through a per diem paid to them by the company or companies examined. From the standpoint of the public there are reasons why this system is objectionable. A law patterned after the State and Federal statutes setting up the machinery for the examination of banks should be passed on this subject and an assessment to pay expenses of the examination made against the companies similar to the assessments made against banks for the examination of their affairs.

#### Highway Patrol.

The highway patrol was adopted as an experiment and has proved a success. This organization should be enlarged and it should be made subject to the call of the Governor in carrying out his constitutional duty to cause the laws to be faithfully executed.

#### Public Utilities.

Within the last few years large and powerful public utility companies have grown up in this State. Practically every town and village is being served by one or more such companies. In nearly every town the public utilities are without competition in the service which they severally offer, and have a monopoly of their particular business. The size of the utility business in this State creates a necessity for regulation and control, which is generally admitted. Somebody should stand between the consuming masses and company or companies furnishing public utility service. The power and duty to regulate the conduct of such companies, and the rates to be charged, under a holding of the Supreme Court of the United States, rests on the State Legislature. The larger cities have reg-

ulatory powers, but with this exception, and the limited control which the Railroad Commission has over gas companies, there is practically no regulation of utilities. Though, according to a statement made by a utility representative before a committee of the Forty-first Legislature, the people of Texas annually pay the utilities nearly as much, if not as much, as they pay the railroads, the railroads are under governmental control but the utilities are practically without such control. If exorbitant rates are being charged the consumers, the average city or town is practically without the legal power or finances, under existing law, to correct the abuse or to make an inquiry into the matter and bring about an adjustment. Our statutes were written when there were few utilities in this State, and when, for the most part, such as existed were small local concerns.

Towns which have a population of more than two thousand are empowered to regulate rate charges for water, light, sewerage and gas service; those having a population of more than five thousand, and chartered under special and home-rule acts, have the right to regulate all rates, including street railways and telephone companies. Unincorporated villages and incorporated towns with a population of less than two thousand are without regulatory power. These latter communities have to pay the rate fixed by the utility company furnishing the service. The consolidation and extension of public utility lines from community to community, and from town to town, has created a situation which practically destroys the effectiveness of the power given any class of cities or town to regulate rates. Many cities and towns are but stations on the lines of the utility companies furnishing them service. They do not have the means or facility for determining what proportion of the expense of the company or of its investment is necessary to the service of that town, or what would be a fair return upon the property devoted to the service of the particular town. Therefore, they are without the information to fix rates and without facilities and funds required to gain necessary information.

Every public utility company is entitled to a fair return on the reasonable value of the property devoted to the public service, after the legitimate cost of operation is deducted,

but it is impossible for any city, without tremendous expense, to make the necessary inquiry to determine what rate would yield such return. Especially is this true when the city happens to be one of many served by the same lines. The information can only be acquired by technical and experienced men, whose services are expensive. The ordinary board of city commissioners has neither the experience nor the training to allocate the proper proportion of the investment or expense to its particular city.

It has been established that some power companies are subsidiaries of larger companies, in the sense that their entire voting stock is held or controlled by some finance corporation. Contracts may be made between the utility company and engineering companies, supply companies, finance companies and managing companies, whose stocks are held by the same parent company. The governing authorities of the cities and towns are practically powerless to inquire into these matters and obtain information concerning the justice of the expense incurred in any such contracts when undertaking to adjust a rate.

These questions are growing more emphatic and complicated every day, and the time has come in Texas when steps should be taken for the supervision and regulation of these utilities. Consumers should be given a measure of legal protection from excessive rates. If the application of modern principles of science has reduced the cost of production and distribution, the resulting financial benefit should accrue to the consuming public through a reduction in rates.

I have advocated the consolidation of departments of government, but I believe that utility control should be established in this State, and it can be done without conflict with the consolidation which I have advocated. I estimate that the expense incident to the support of such control will be small when compared with the money saved to the thousands who are now buying the service of public utility companies.

The recent amendment to the Constitution contains certain provisions regarding the procedure of the Legislature. It limits the subjects which you may consider at certain periods of the session. If I were to open for consideration any subject not included among those which you can now consider under the terms of the

Constitution at this time, it would be an unwarranted invasion of the prerogatives of my successor. Therefore, this message is not to be considered by you, or by anyone, as submitting any subject for your consideration, and it is expressly stated that no subject is submitted, but it is to be regarded as a statement of the fiscal condition of the State and an expression of my views on the subjects discussed.

Respectfully,  
DAN MOODY.

**Statement of Amount Appropriated  
for the Governor's Office for the  
Years 1926-1931.**

Year 1926-27.....	\$49,627.00
Year 1927-28.....	38,226.00
Year 1928-29.....	43,726.00
Year 1929-30.....	38,057.40
Year 1930-31.....	35,807.40

**Statement of Amount Spent by the  
Governor's Office for the years  
1926-1931.**

Jan. 18, 1927, to Aug. 31, 1927 .....	\$19,232.11
Year 1927-1928.....	31,643.75
Year 1928-1929.....	40,022.26
Year 1929-1930.....	29,462.43
To Jan. 1, 1931.....	7,582.85

**Statement of Amount Appropriated  
for the Board of Pardons for the  
Years 1926-1931.**

Year 1926-27.....	\$ 9,625.00
Year 1927-28.....	10,600.00
Year 1928-29.....	10,600.00
Year 1929-30.....	16,750.00
Year 1930-31.....	14,750.00

**Statement of Amount Spent by the  
Board of Pardons for the  
Years 1926-1931.**

Jan. 18, 1927, to Aug. 31, 1927 .....	\$ 5,094.70
Year 1927-28.....	8,806.56
Year 1928-29.....	9,465.11
Year 1929-30.....	13,248.20
To Jan. 1, 1931.....	4,696.94

**Statement of Appropriations for  
Water Rights, and Expendi-  
tures Therefrom.**

**By Thirty-ninth Legislature:**

Control and disposition of waters of the Rio Grande and tributaries.—  
Original appropriation, \$15,000.  
Balance, Jan. 18, 1927: \$7,972.87.  
Expended between Jan. 18, 1927, and Jan. 1, 1931: \$7,867.48.

**By Fortieth Legislature:**

For investigation and legal work in connection with flood surveys.—

Original appropriation: \$5,000.

Expended between Jan. 18, 1927, and Jan. 1, 1931: None.

**By Forty-first Legislature:**

For reservoir sites on Pecos River.—

Original appropriation: \$25,000.

Expended between Jan. 18, 1927, and Jan. 1, 1931: \$12,500.

For distribution of waters of Rio Grande River.—

Original appropriation: \$5,500.

Expended between Jan. 18, 1927, and Jan. 1, 1931: \$3,500.

Houston, Texas.

To Governor Dan Moody, Austin, Texas:

I am sending the following message to Senators Woodward and Woodul: "For some time I have been considering advisability amending our tax laws to permit payment of State and county taxes in semi-annual installments rather than in one installment, and I am convinced that such an amendment is not only sound governmental policy but would be of substantial advantage to our people at this particular time." Owing to the fact that there remain only a little over two weeks for the enactment of this legislation if the amendment is to become effective for this year, I will therefore appreciate it if Governor Moody will submit this to the Legislature as an emergency measure if consistent with his views.

R. S. STERLING.

Executive Office.

January 14, 1931.

To the Members of the Forty-second Legislature:

Honorable R. S. Sterling, Governor-elect, has requested in the attached telegram that I submit for your consideration the subject of amending our statutes respecting the payment of State and county taxes, to the end that the same may be paid in semi-annual installments.

Complying with this request, there is submitted for your consideration at this time the subject of amending the laws regarding the time of payment of State and county taxes, to the end that the same may authorize the payment of these taxes in semi-annual installments.

Respectfully submitted,  
(Signed) DAN MOODY.

The Senate then, at 12 o'clock m., retired to its Chamber.

#### TEMPORARY COMMITTEE ON APPROPRIATIONS ANNOUNCED.

The Speaker announced the appointment of the following temporary Committee on Appropriations:

Messrs. Sanders, Graves, Murphy, Satterwhite and Kayton.

#### RECESS.

On motion of Mr. Anderson, the House, at 12:05 o'clock p. m., took recess to 1:45 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 1:45 o'clock p. m., and was called to order by Speaker Minor.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 11, referred to the Committee on Appropriations.

S. B. No. 12, referred to the Committee on Appropriations.

#### PROVIDING FOR NEWSPAPERS FOR MEMBERS.

Mr. Holder, by unanimous consent, offered the following resolution:

Resolved, by the House of Representatives, That each member be allowed three daily newspapers during the Regular Session of the Forty-second Legislature, to be paid for out of the contingent expense fund of the House.

Signed—Holder, Warwick and Mrs. Rountree.

The resolution was read second time.

Mr. Cox of Lamar offered the following amendment to the resolution:

Amend resolution by adding the following: "Let each member pay for his papers."

On motion of Mr. Justiss, the amendment was tabled.

Question then recurring on the resolution, it was adopted.

#### COUNTING THE VOTES CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR.

(In Joint Session.)

At the hour of 2 o'clock p. m., fixed by concurrent action of the two houses, for the Senate and House of Representatives to meet in joint session for the purpose of counting votes for Governor and Lieutenant Governor, cast at the general election held on Tuesday, the fourth day of November, A. D. 1930, the Honorable Senate were announced at the bar of the House and, by direction of the Speaker, were admitted.

Escorted by the Secretary of the Senate, Bob Barker, and the Sergeant-at-Arms of the Senate, A. W. Holt, the Senators advanced into the Hall and, by direction of the Speaker of the House, occupied seats already prepared for them along the aisle.

Lieutenant Governor Barry Miller, by invitation of the Speaker, occupied a seat on the Speaker's stand.

Lieutenant Governor Barry Miller then directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called, and the following Senators answered to their names:

Beck ✓	Oneal ✓
Berkeley	Parr
Cousins	Parrish
Cunningham	Patton
DeBerry ✓	Poage ✓
Gainer	Purl
Hardin	Rawlings ✓
Holbrook ✓	Russek
Hopkins ✓	Small
Hornsby	Stevenson
Loy	Thomason
Martin ✓	Williamson
Moore	Woodul
Neal	Woodruff ✓

Absent.

Greer	Woodward
Pollard	

Lieutenant Governor Barry Miller announced a quorum of the Senate present.

The Speaker then directed the Clerk to call the roll of the House.

The roll of the House was called, and the following members answered to their names:

Adams of Harris.	Akin.
Adams of Jasper.	Albritton.
Adamson.	Alsop.
Adkins.	Anderson.

Baker.	Hoskins.
Barron.	Howsley.
Beck.	Hubbard.
Bedford.	Hughes.
Bond.	Jackson.
Bounds.	Johnson
Boyd.	of Dallam.
Bradley.	Johnson
Brice.	of Dimmit.
Brooks.	Johnson of Morris.
Bryant.	Jones of Atascosa.
Burns	Jones of Shelby.
of McCulloch.	Justiss.
Burns of Walker.	Kayton.
Carpenter.	Keller.
Caven.	Kennedy.
Claunch.	Laird.
Coltrin.	Lasseter.
Coombes.	Lee.
Cox of Lamar.	Lemens.
Cox of Limestone.	Leonard.
Cunningham.	Lilley.
Dale.	Lockhart.
Daniel.	Long.
Davis.	McCombs.
DeWolfe.	McDougald.
Dodd.	McGill.
Donnell.	McGregor.
Dowell.	Magee.
Dunlap.	Martin.
Duvall.	Mathis.
Dwyer.	Mehl.
Elliott.	Metcalf.
Engelhard.	Moffett.
Farmer.	Moore.
Farrar.	Morse.
Ferguson.	Munson.
Finn.	Murphy.
Fisher.	Nicholson.
Forbes.	Olsen.
Ford.	O'Quinn.
Fuchs.	Patterson.
Gilbert.	Petsch.
Giles.	Pope.
Goodman.	Ramsey.
Graves.	Ratliff.
Greathouse.	Ray.
Grogan.	Reader.
Hanson.	Richardson.
Hardy.	Rogers.
Harman.	Rountree.
Harrison	Sanders.
of El Paso.	Satterwhite.
Harrison	Savage.
of Waller.	Scott.
Hatchitt.	Shelton.
Hefley.	Sherrill.
Herzik.	Smith of Bastrop.
Hill.	Smith of Wood.
Hines.	Sparkman.
Holder.	Stephens.
Holland.	Stevenson.
Holloway.	Steward.

Strong.	Veatch.
Sullivan.	Wagstaff.
Tarwater.	Walker.
Terrell	Warwick.
of Cherokee.	Weinert.
Terrell	West of Cameron.
of Val Verde.	West of Coryell.
Towery.	Westbrook.
Turner.	Wiggs.
Van Zandt.	Wyatt.
Vaughan.	Young.

The Speaker announced a quorum of the House present.

Lieutenant Governor Barry Miller, and the Speaker of the House, then stated that the two houses were in Joint Session for the purpose of counting the votes for Governor and Lieutenant Governor cast at the last general election.

The Lieutenant Governor announced the appointment of the following tellers on the part of the Senate:

Senators Woodul, Poage, Purl, Holbrook and Hopkins.

The Speaker announced the appointment of the following tellers on the part of the House:

Messrs. Beck, Petsch, Satterwhite, Holland and Hubbard.

The joint tellers were announced present, and they at once came forward and occupied seats already prepared for them.

The Speaker then requested the joint tellers to come forward to receive the returns of the last general election for Governor and Lieutenant Governor, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives of the Forty-second Legislature.

The joint tellers then proceeded to the work of counting the votes cast for Governor and Lieutenant Governor at the last general election.

When the count was completed, the Lieutenant Governor and the Speaker of the House announced to the Joint Session that the joint tellers had completed the count of the votes, and that the Joint Session is now ready to receive the results and to have the report of the joint tellers.

Senator Woodul, on the part of the Senate, and Mr. Beck, on the part of the House, submitted the following report:

County	For Governor				
	Mrs. Ferguson	Ross Sterling	Wm. E. Talbot	L. L. Rhodes	J. Stedham
Anderson		1,852	281	5	3
Andrews		74	4	1	
Angelina		1,998			
Aransas		154	19		
Archer		526	167	2	
Armstrong		344	46	1	
Atascosa		831	130	5	
Austin		790	384	2	1
Bailey	1	480	85	5	
Bandera		575	331	3	2
Bastrop		864	158	5	
Baylor		366	55	4	
Bee		1,152	409	20	28
Bell		2,085	349	5	1
Bexar	2	19,137	5,078	58	42
Blanco		707	444	1	3
Borden		84	11		
Bosque		891	392	1	1
Bowie		1,623	263	11	1
Brazoria		1,108	353	4	1
Brazos		976	32	1	
Brewster		339	22		1
Briscoe					
Brooks		314	5		
Brown		1,290	276	2	3
Burleson		930	78		
Burnet		605	134		
Caldwell		1,089	219		
Calhoun		788	45	6	1
Callahan		695	166		
Cameron		3,049	779	2	
Camp		307	61		
Carson		313	137		
Cass		1,003	394	3	
Castro		277	70	1	
Chambers		431	108	1	
Cherokee		1,651	377	4	
Childress		645	113		
Clay		737	167	3	
Cochran		292	7		1
Coke		425	56	4	
Coleman		1,161	264	5	
Collin		2,224	821	6	1
Collingsworth		410	14		

Colorado	684	223	8	
Comal	1,409	892	6	2
Comanche	1,000	344	4	
Concho	393	70		
Cooke	1,501	558	3	1
Coryell	917	288	3	
Cottle	344	32	4	1
Crane	198	47	1	
Crockett	192	7	1	
Crosby	540	74		
Culberson	152	7		
Dallam	1,011	81	10	
Dallas	8,063	2,359	31	2
Dawson	405	169	3	
Deaf Smith	313	28		
Delta	802	43	1	
Denton	1,603	270	13	
DeWitt	1,109	666	2	
Dickens	419	76	1	
Dimmit	217	64	1	
Donley	531	75	2	
Duval	1,743	19		
Eastland				
Ector	160	20		
Edwards	460	162	2	
Ellis	2,058	257	9	1
El Paso	4,328	568	10	2
Erath	1,061	455	6	2
Falls	1,307	448		
Fannin	1,842	284		
Fayette	1,598	747	5	2
Fisher	540	104	2	
Floyd	581	190	3	
Foard	279	64		
Fort Bend	1,054	89	4	
Franklin	271	126	2	
Freestone	1,100	265	2	
Frio	493	41		
Gaines	189	26	2	
Galveston	2,277	1,071	7	9
Garza	224	134	1	
Gillespie	1,007	1,691	6	
Glasscock	66	33	1	
Goliad	727	528	5	1
Gonzales	2,042	243	1	
Grayson	4,190	1,138	12	
Gray	1,968	351	2	2
Gregg	889	139		
Grimes	763	47	1	
Guadalupe	1,400	2,472	9	4
Hale	797	279	2	

County	For Governor				
	Mrs. Ferguson	Ross Sterling	Wm. E. Talbot	L. L. Rhodes	J. Stedham
Hall		643	113	2	
Hamilton		736	216	1	
Hansford		721	90	1	1
Hardeman		644	87		
Hardin		593	33	1	
Harris		9,556	1,449	43	7
Harrison		1,098	33		2
Hartley					
Haskell		774	92	6	1
Hays		864	73	1	
Hemphill		701	79	1	1
Henderson		1,157	657	7	1
Hidalgo		5,384	3,604	19	12
Hill	2	2,046	423	5	
Hockley		407	60	3	
Hopkins		1,623			
Hood		375	93		
Houston		1,123	213	5	
Howard		977	168	3	1
Hudspeth		183	7	1	
Hunt		2,231	327	13	1
Hutchinson		1,190	110		
Irion		159	23	2	
Jack		499	2	1	
Jackson		437	67	3	1
Jasper		687	28		
Jeff Davis		186	9	1	
Jefferson		2,586	451	11	1
Jim Hogg		365	85		
Jim Wells		919	95	1	1
Johnson		1,380	493	1	1
Jones		999	251	7	2
Karnes		1,048	258		1
Kaufman		1,604	396	1	
Kendall		421	720	2	5
Kennedy		83	3		
Kent		174	21		
Kerr		1,422	449	15	2
Kimble		235	28		
King		67			
Kinney		323	86	1	7
Kleberg		520	46		
Knox		532	59	5	
Lamar		1,775	207	3	

Lamb.....	384	130		
Lampasas.....	539	206	1	
LaSalle.....	383	10	3	
Lavaca.....	1,317	561	2	6
Lee.....	611	495	1	2
Leon.....	727	175	12	
Liberty.....	667	81	11	3
Limestone.....	1,894	211	3	
Lipscomb.....	581	352	6	
Live Oak.....	521	123	6	1
Llano.....	612	61	1	
Lubbock.....	1,126	243	4	
Lynn.....	484	158		
Madison.....	579	125		
Marion.....	277	66		
Martin.....	205	82		
Mason.....	323	46		
Matagorda.....	646	177	5	
Maverick.....	231	33	1	
McCulloch.....	595	210	4	2
McLennan.....	4,274	746	15	
McMullen.....	143	8		
Medina.....	1,182	842		4
Menard.....	239	46	2	
Midland.....	396	53		
Milam.....	1,388	416	4	1
Mills.....	388	161	2	
Mitchell.....	643	112		2
Montague.....	789	308	8	1
Montgomery.....	1,357	214	1	1
Moore.....	129	15		
Morris.....	438	41		
Motley.....	246	34		
Nacogdoches.....	1,184	127	3	
Navarro.....	2,970	400	5	
Newton.....	383	24		
Nolan.....	785	124	1	
Nueces.....	2,759	397	2	2
Ochiltree.....	310	55	2	
Oldham.....	161	14		
Orange.....	873	32	3	1
Palo Pinto.....	862	200	7	1
Panola.....	856	48		
Parker.....	1,038	256	11	
Parmer.....				
Pecos.....	480	53	1	
Polk.....	639	82	4	
Potter.....	1,185	291	7	2
Presidio.....	220	18	1	
Rains.....	360	139	22	
Randall.....	431	72		

County	For Governor				
	Mrs. Ferguson	Ross Sterling	Wm. E. Talbot	L. L. Rhodes	J. Stedham
Reagan		398	42		
Real		336	73	1	4
Red River		1,172	174	1	
Reeves and Loving		316	42		
Refugio		668	182	9	12
Roberts		136	20	1	
Robertson		797	140	5	1
Rockwall		648	41		
Runnels		924	285	2	
Rusk		1,042	145	3	
Sabine		706	47	5	1
San Augustine		631	272	1	
San Jacinto		283	52	3	
San Patricio		794	185		2
San Saba		634	152		
Schleicher					
Scurry					
Shackelford		370	130	3	4
Shelby		1,234	111	3	
Sherman		160	30		
Smith		2,034	631	7	1
Somervell					
Starr		792	8		
Stephens		771	233	4	5
Sterling		164	7		
Stonewall		193	47	1	
Sutton		99	18		
Swisher		342	124	2	1
Tarrant		4,543	1,097	16	
Taylor		2,403	319	3	
Terrell		316	96	1	
Terry		283	100	2	
Throckmorton		329	24	1	
Titus		578	155	1	
Tom Green		1,781	191	3	
Travis		3,936	442	17	
Trinity		383	74		
Tyler		583	9	1	
Upshur		970	340	4	2
Upton		357	27	2	1
Uvalde		637	69		
Val Verde*		839	154	3	
Van Zandt					
Victoria		606	167	1	1

Walker.....		625	86	1	1
Waller.....		394	58	1	
Ward.....					
Washington.....		851	145		
Webb.....		1,304	178		
Wharton.....		2,616	210	8	2
Wheeler.....		612	265	1	
Wichita.....	1	2,286	665	10	
Wilbarger.....		797	97	1	
Willacy.....		396	58		
Williamson.....		1,823	415	3	1
Wilson.....		1,124	512	2	1
Winkler.....		376	57	2	
Wise.....		971	338	1	
Wood.....		1,044	327	10	
Yoskum.....					
Young.....		616			
Zapata.....		209	16		
Zavala.....		434	57		
Totals.....	10	252,738	62,224	829	231

\*Hugh Exum, 2.

Austin, Texas, January 15, 1931.

Hon. Barry Miller, President of the Senate, and Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your joint committee and tellers, appointed to canvass the votes cast at the last general election held in the State of Texas on November 4, 1930, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by Secretary of State, beg leave to report that we have performed that duty, and the result of our canvass is as follows:

There were cast for Governor:

Ross Sterling, 252,738 votes.

Wm. E. Talbot, 62,224 votes.

L. L. Rhodes, 829 votes.

J. Stedham, 231 votes.

Scattering and irregular, 9 votes.

There were cast for Lieutenant Governor:

Edgar E. Witt, 274,415 votes.

H. B. Tanner, 40,492 votes.

A. F. Von Blon, 768 votes.

J. L. Swann, 195 votes.

Scattering and irregular, — votes.

All of which is respectfully submitted.

WOODUL,  
POAGE,  
HOPKINS,  
PURL,  
HOLBROOK,

On the Part of the Senate.

BECK,  
PETSCH,  
SATTERWHITE,  
HOLLAND,  
HUBBARD,

On the Part of the House.

Whereupon, Hon. Fred H. Minor, Speaker of the House of Representatives, made the following announcement:

"Hon. Ross Sterling having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Hon. Edgar Witt, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the

State of Texas for the ensuing term of two years."

The Speaker of the House then announced that the business of the joint session was concluded and delivered the election returns used in counting the vote into the hands of the Chief Clerk, Louise Snow Phinney, taking her receipt therefor, and directing her to deliver the same in person to the Secretary of State and to take the receipt of the Secretary of State for the documents.

The Senate then retired to its Chamber.

(Pending the counting of the votes, Senators Woodul and Purl, on the part of the Senate, and Mr. Young, on the part of the House, occupied the chair temporarily.)

#### MESSAGE FROM THE GOVERNOR.

Mr. Mark Wiginton, secretary to the Governor, appeared at the bar of the House and, being announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,  
January 15, 1931.

To the Members of the Forty-second Legislature:

Some of your members have advised me that points will be urged touching your right to pass the mileage and per diem bill and make the existing statutes conform to the provisions of the recent amendment to the Constitution unless that subject has been submitted for your consideration.

As stated in my message this morning, I do not propose to trespass upon the preserves of my successor by submitting subjects to you under the new amendment, but I know that no objection could be urged by anyone to the submission of this subject for your consideration, and I am sure that my successor concurs with me in the thought that the laborer is worthy of his hire and that you are entitled to your mileage and per diem.

Therefore, the subject of passing the mileage and per diem bill at the Regular Session of the Forty-second Legislature and adjusting all statutes fixing the compensation of members of the Legislature to conform to the recently adopted constitutional amendment is declared to be an emer-

gency and is submitted for your consideration.

Respectfully submitted,  
(Signed) DAN MOODY.

#### REPORT OF THE TEMPORARY COMMITTEE ON RULES.

The Speaker laid before the House, for consideration at this time, the following report of the temporary Committee on Rules:

##### Committee Room.

Hon. Fred H. Minor, Speaker of the House of Representatives, Capitol.

Sir: We, your temporary Committee on Rules, beg leave to submit the attached concurrent resolutions for consideration by the House:

##### Concurrent Resolution.

Whereas, At the general election on November 4, 1930, Section 5 of Article III of the Constitution of Texas was amended so as to hereafter read as follows, to wit:

"The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor. When convened in regular session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor in special messages to the Legislature; provided that during the succeeding thirty days of the Regular Session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further, that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either house may otherwise determine its order of business by an affirmative vote of four-fifths of its membership."

Whereas, Under said amendment it is specifically provided that either house may determine its order of business by an affirmative vote of four-fifths of its membership; therefore be it

Resolved by the House of Representatives, the Senate concurring by an affirmative vote of four-fifths of the membership of each house, That the order of business is hereby determined to be governed by the general rules of the respective houses, except in so far as they do not conflict with the following special rules which are hereby adopted:

##### Rule 1.

It shall be in order to introduce bills or resolutions during the first sixty days of the session and have the same referred to a proper committee; provided, however, bills may be introduced and considered after the first sixty days by a two-thirds vote of either house by a record vote.

##### Rule 2.

Local bills may be introduced at any time and considered at any time by the committee to which they have been referred and reported by said committee and considered and disposed of by the house in which said bill is pending, in the due order of business as determined by the general rules of the house in which the bill is pending. A local bill is defined for the purposes of this rule as an act, the provisions of which relate to or affect directly a defined locality, district or section of the State, but which does not affect directly the State at large, and the operation of which is confined to a particular locality, district or section of the State.

##### Rule 3.

Local bills, emergency appropriations, acting upon the appointees of the Governor (whether recess appointments or otherwise), and all emergency matters submitted by the Governor in special messages to the Legislature may be considered and disposed of at any time by either House under the general rules and order of business.

##### Rule 4.

It shall be in order for committees to consider bills at any time during the session, their reports and the consideration by either house being governed, however, in accordance with the rules of the house in which said bill is pending.

When any bill shall have been finally acted upon by either branch of the Legislature, and shall have been

transmitted to the other, said bill shall be by the presiding officer thereof, referred to an appropriate committee and it shall not be necessary to be voted upon as a prerequisite to its consideration by the receiving branch.

#### Rule 5.

In reckoning the time within which a bill has been introduced, the date of its first introduction in either house shall govern.

BECK, Chairman.

On motion of Mr. Pope, further consideration of the report was postponed until 11 o'clock a. m. next Wednesday, and set as a special order for that hour.

#### ADDITION TO TEMPORARY COMMITTEE ON RULES ANNOUNCED.

On motion of Mr. Beck, Mr. Pope was added to the temporary Committee on Rules.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. DeWolfe and Mr. Metcalfe:

H. B. No. 1, A bill to be entitled "An Act repealing Article 6818 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. DeWolfe:

H. B. No. 19, A bill to be entitled "An Act amending Article 6824 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Referred to Committee on Appropriations.

#### ADJOURNMENT.

On motion of Mr. Anderson, the House, at 4:39 o'clock p. m., adjourned until 4:40 o'clock p. m., Thursday, January 15.

#### SECOND DAY.

(Thursday, January 15, 1931.)

The House met at 4:40 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Adams of Harris.	Hefley.
Adams of Jasper.	Herzik.
Adamson.	Hill.
Adkins.	Hines.
Akin.	Holder.
Albritton.	Holland.
Alsup.	Holloway.
Anderson.	Hoskins.
Baker.	Howsley.
Barron.	Hubbard.
Beck.	Hughes.
Bedford.	Jackson.
Bond.	Johnson
Bounds.	of Dallam.
Boyd.	Johnson
Bradley.	of Dimmit.
Brice.	Johnson of Morris.
Brooks.	Jones of Atascosa.
Bryant.	Jones of Shelby.
Burns	Justiss.
of McCulloch.	Kayton.
Burns of Walker.	Kennedy.
Carpenter.	Laird.
Caven.	Lasseter.
Claunch.	Lee.
Coltrin.	Lemens.
Coombes.	Leonard.
Cox of Lamar.	Lilley.
Cox of Limestone.	Lockhart.
Cunningham.	Long.
Dale.	McCombs.
Daniel.	McDougald.
Davis.	McGill.
DeWolfe.	McGregor.
Dodd.	Magee.
Donnell.	Martin.
Dowell.	Mathis.
Dunlap.	Mehl.
Duvall.	Metcalfe.
Dwyer.	Moffett.
Elliott.	Moore.
Engelhard.	Morse.
Farmer.	Munson.
Farrar.	Murphy.
Ferguson.	Nicholson.
Finn.	Olsen.
Fisher.	O'Quinn.
Forbes.	Patterson.
Ford.	Petsch.
Fuchs.	Pope.
Gilbert.	Ramsey.
Giles.	Ratliff.
Goodman.	Ray.
Graves.	Reader.
Greathouse.	Richardson.
Grogan.	Rogers.
Hanson.	Rountree.
Hardy.	Sanders.
Harman.	Satterwhite.
Harrison	Savage.
of El Paso.	Scott.
Harrison	Shelton.
of Waller.	Sherrill.
Hatchitt.	Smith of Bastrop.